

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

ZURICH AMERICAN INSURANCE)	
COMPANY, a corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No. CV-07-216
JUNIORETTE GRIFFIN SMITH, as)	
administratrix of the estate of ROGER DALE)	
SMITH, DECEASED,)	
)	
Defendant.)	
)	

**APPLICATION TO CLERK FOR ENTRY OF DEFAULT
AND SUPPORTING AFFIDAVIT**

The clerk is requested to enter default against the defendant Juniorette Griffin Smith in the above entitled action for failure to plead, answer, or otherwise defend, as set out in the affidavit annexed hereto.

s/ Vernon L. Wells, II
Vernon L. Wells, II (asb-2950-135v)

STATE OF ALABAMA)

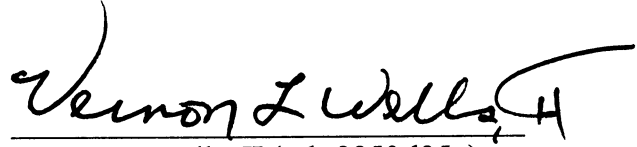
JEFFERSON COUNTY)

Vernon L. Wells, II, being duly sworn, deposes and says:

1. That he is attorney of record for the plaintiff, Zurich American Assurance Company, and has personal knowledge of the facts set forth in this affidavit.
2. That the defendant in this case, Juniorette Griffin Smith, was duly served with a copy of the summons, together with a copy of the plaintiff's complaint on the 16th day of March, 2007.
3. That more than 20 days have elapsed since the date on which defendant Smith was served with the summons and a copy of the complaint.

4. That the defendant has failed to answer or otherwise to defend as to plaintiff's complaint, or to serve a copy of any answer or other defense which she might have upon the undersigned attorney of record for the plaintiff.

5. That this affidavit is executed by affiant herein and in accordance with Federal Rule of Civil Procedure 55(a) for the purpose of enabling the plaintiff to obtain an entry of default against the defendant for her failure to answer or otherwise defend the plaintiff's complaint.


Vernon L. Wells, II (asb-2950-135v)

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Vernon L. Wells, II, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18th day of April, 2007.


Notary Public

AFFIX SEAL

My commission expires: 01/23/10